

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION**

**CIVIL NO. 2:07CV20-02
(2:06CR6-1)**

TIMOTHY O. BENNETT,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

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ORDER

THIS MATTER is before the Court on the Petitioner's motion for judgment on the pleadings, filed January 25, 2008. The motion is denied.

The Petitioner argues since the Government has not responded to his motion for reconsideration filed December 26, 2007, that the Court is compelled to enter an order granting the relief he seeks. However, the Court denied the Petitioner's motion to reconsider without response from the Government, finding that the motion to reconsider rehashed issues previously considered by the Court in the denial of his motion to vacate filed pursuant to 28 U.S.C. § 2255. Therefore, this motion for judgment on the pleadings is without merit.

IT IS, THEREFORE, ORDERED that the Petitioner's motion for judgment on the pleadings is hereby **DENIED**.

Signed: January 28, 2008

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

